

PLANNING COMMISSION
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2004:

Present

Vote

Andrew A. Simasek, Chair
Alfred E. Ptasznik, Jr., Vice Chair
Alexander T. Hamilton
Robert D. Heavner
Nicholas F. Barba
John R. Davis
Frederick W. Harvell

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE
PERMIT TO AUTHORIZE A NIGHTCLUB/RESTAURANT AT 264A
AND 264B MCLAWS CIRCLE WITHIN THE FESTIVAL
MARKETPLACE SHOPPING CENTER

WHEREAS, Allen G. Ennis and Tien Kim Le, Carpe P.M., Inc have submitted Application No. UP-642-04, which requests a special use permit, pursuant to Section 24.1-306 (Category 11, No. 18) of the York County Zoning Ordinance, to authorize a 1,970-square foot restaurant and nightclub within the Festival Marketplace shopping center located at 264A and 264B McLaws Circle. The property is located on the east side of McLaws Circle, approximately 200 feet south of its intersection with Busch Way, and is identified as Assessor's Parcel No. 15-4-3A.

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the ____ day of _____, 2004 the Application No. UP-642-04 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a 1,970-square foot restaurant and nightclub within the Festival Marketplace shopping center located at 264A and 264B McLaws Circle subject to the following conditions:

1. This use permit shall authorize a 1,970-square foot restaurant and nightclub located within the Festival Marketplace shopping center located at 264A and 264B McLaws Circle and further identified as Assessor's Parcel No. 15-4-3A.
2. A site plan, prepared in accordance with the provisions of Article V of the York County Zoning Ordinance, shall be submitted to and approved by the County prior to the commencement of the proposed nightclub. Said site plan shall be in substantial conformance with the sketch plan submitted by the applicant and received by the Planning Division on July 1, 2004, except as modified herein or as may be necessary to comply with site plan review requirements.
3. At time of site plan approval, a detailed parking tabulation for the shopping center shall be submitted to and approved by Environmental and Development Services. The tabulation shall take into account all current uses as well as the proposed use with their corresponding parking requirements.
4. Noise from the proposed use shall be contained within the subject shopping center units, and noise shall not be audible outside the confines of the units.
5. The hours of operation of the facility shall be limited from 11:00 a.m. to 2:00 a.m. daily.
6. There shall be no loitering of patrons outside the facility or in the adjacent parking lot, and the applicant shall be responsible for monitoring the immediate area to prevent loitering.
7. Parking lot lighting shall remain active until at least one hour after closing time for the facility.
8. The applicant shall be responsible for removal of any trash or debris from their portion of the parking lot daily.
9. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.